

1701177-Court-A-U.S.
CHAD W. HAMMONDS
PO BOX 7
MAXTON, NC 28364-0000

IN RE
KENNETH RAY HARDIN
1936 RUSS ROAD

LUMBERTON, NC 28358
SSN or Tax I.D. XXX-XX-4237

U.S. Bankruptcy Court
P.O. Box 791
Raleigh, NC 27602

Chapter 13
Case Number: 17-01177-5-JNC

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Joseph A. Bledsoe, III, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 11/20/2017, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
PO Box 791
Raleigh, NC 27602

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addressses:

Debtor(s):	Attorney:	Trustee:
KENNETH RAY HARDIN	CHAD W. HAMMONDS	Joseph A. Bledsoe, III
1936 RUSS ROAD	PO BOX 7	P.O. Box 1618
LUMBERTON, NC 28358	MAXTON, NC 28364-0000	New Bern, NC 28563

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: October 20, 2017

Joseph A. Bledsoe, III
Chapter 13 Trustee
P.O. Box 1618
New Bern, NC 28563

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
FAYETTEVILLE DIVISION**

IN RE:

CASE NUMBER: 17-01177-5-JNC

KENNETH RAY HARDIN

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on May 1, 2017, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$207.00	for	6	Months
\$613.00	for	51	Months
	for		Months
	for		Months

5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before July 31, 2017 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before September 6, 2017 ("Government Bar Date") shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:

a. Claims to be paid directly by the Debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#002 Bank of America	'11 Chevrolet Silverado	Outside
#003 Bank of America	'11 Chevrolet Silverado arrears	\$1,966.40 to be paid over life of plan by Trustee
#004 Cape Fear Farm Credit	Combine, Tractor, Motorcycle	Outside
#006 CNH Industrial Capital America	Sprayer	Outside
#007 CNH Industrial Capital America	Sprayer arrears	\$23,879.14 to be paid over life of plan by Trustee
#008 CNH Industrial Capital America	Sprayer	Outside
#010 CNH Industrial Capital America	Combine	Outside
#800 Ditech	Residence	Outside
#801 Ditech	Residence pre-petition arrears	\$560.93 to be paid over life of plan by Trustee

b. Continuing Long Term Debts to be paid by the Trustee:

IF A PROOF OF CLAIM IS TIMELY FILED the claim is to be paid on a monthly basis according to the terms of the contract effective the first month after confirmation. Arrearages, if any, are to be paid over the life of the plan. Two post-petition contractual payments shall be included in the administrative arrearage claim. **The Debtor is to resume direct payments upon completion of plan payments.**
(SEE PARAGRAPH 8 BELOW)

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
NONE			

Pursuant to Local Rule 3070-1(b) some secured creditors may be entitled to pre-confirmation adequate protection payments.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with Local Rule 3070-2.
9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as “Surrender,” upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property “for cause” under §362(a)(1), as allowed by Local Rule 4001-1(b).

NONE

Reference herein to “Direct” or “Outside” or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7 and 9 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased/Contracted For</u>	<u>Treatment</u>
NONE		

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);

15. That the attorney for the debtor(s) is requesting fees in the amount of \$0.00. The Trustee recommends to the Court a fee of \$0.00. If the recommended fee is different from that requested an explanation can be found in Exhibit 'A'.

s/ Joseph A. Bledsoe, III
Joseph A. Bledsoe, III
Standing Chapter 13 Trustee

EXHIBIT 'A'**CASE NUMBER: 17-01177-5-JNC****DEBTORS: KENNETH RAY HARDIN****EMPLOYMENT:**Debtor: SELF EMPLOYED/BUSINESS GROSS INCOME: \$44,000.00
INCOME

Spouse: CLERK OF THE COURT ROBESON COUNTY \$31,620.00

Prior Bankruptcy cases: Yes ☐ No ☐ If so, Chapter filed

Disposition:

Real Property: House and Lot ☐ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☒

Description: RESIDENCE

FMV \$60,000.00

Date Purchased

Liens \$48,955.00

Purchase Price

Exemptions \$11,045.00

Improvements

Equity \$ 0.00

Insured For

Rent \$540.00

Tax Value

Real Property: House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐Description: MCDUFFIE CROSSING ROAD – FARM SHELTER 5.2 ACRES –
1/3 INTEREST

FMV \$40,000.00

Date Purchased

Liens \$0.00

Purchase Price

Exemptions \$0.00

Improvements

Equity \$40,000.00

Insured For

Rent

Tax Value

COMMENTS:**Attorney** Requested: \$0.00 (excluding filing fee)**Fees:** Paid: \$0.00 (excluding filing fee)

Balance: \$ 0.00

Trustee's Recommendation: \$0.00

Comments:

Plan Information:

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$158,041.98	Pay in	\$32,505.00	Priority	100.00%
Priority	\$107.68	Less 6.00%	\$1,950.30	Secured	100.00%
Secured	\$26,406.47	Subtotal	\$30,554.70	Unsecured	3.00%
Unsecured	\$131,527.83	Req. Atty. Fee	Incl. w/ claims	Joint	%
Joint Debts		Available	\$30,554.70	Co-Debts	%
Co-Debtor					

Payroll Deduction: Yes ☐ No ☒**Objection to Confirmation:**Yes ☒ No ☐

Pending: SEE COURT DOCKET

Resolved: SEE COURT DOCKET

Motions Filed: Yes ☒ No ☐

If so, indicate type and status: SEE COURT DOCKET

Hearing Date:

CERTIFICATE OF MAILING

0015

Case 17-01177-5-JNC Doc 25 Filed 10/23/17 Entered 10/23/17 09:33:19 Page 8 of 9

CASE: 1701177 TRUSTEE: 2V COURT: 278
 TASK: 10-19-2017.01059841.LSA000 DATED: 10/20/2017

Page 1 of 2

Court Served Electronically

Trustee	Joseph A. Bledsoe, III	P.O. Box 1618 New Bern, NC 28563
Debtor	KENNETH RAY HARDIN	1936 RUSS ROAD LUMBERTON, NC 28358
799	000002 CHAD W. HAMMONDS	PO BOX 7 MAXTON, NC 28364-0000
006	000008 CNH INDUSTRIAL CAPITAL AMERICA	PO BOX 3600 LANCASTER, PA 17604
007	000009 CNH INDUSTRIAL CAPITAL AMERICA	PO BOX 3600 LANCASTER, PA 17604
008	000010 CNH INDUSTRIAL CAPITAL AMERICA	PO BOX 3600 LANCASTER, PA 17604
010	000012 CNH INDUSTRIAL CAPITAL AMERICA	PO BOX 3600 LANCASTER, PA 17604
011	000013 CNH INDUSTRIAL CAPITAL AMERICA	PO BOX 3600 LANCASTER, PA 17604
014	000016 INTERNAL REVENUE SERVICE	PO BOX 7346 PHILADELPHIA, PA 19101-7346
001	000003 BANK OF AMERICA	PO BOX 15019 WILMINGTON, DE 19886-5019
012	000019 CROP PRODUCTION SERVICES PO DRAWER 1960	C/O LUTHER STARLING, JR SMITHFIELD, NC 27577
016	000021 LUTHER D. STARLING, JR. 450 EAST MARKET ST.	PO DRAWER 1960 SMITHFIELD, NC 27577-0000
019	000017 NC DEPT OF REVENUE P O BOX 1168	ATTN: BANKRUPTCY UNIT RALEIGH, NC 27602-1168
017	000022 MONSANTO COMPANY PO BOS 17249	C/O SIGMON LAW FIRM RALEIGH, NC 27619
004	000006 CAPE FEAR FARM CREDIT	PO BOX 2405 FAYETTEVILLE, NC 28302
005	000007 CAPE FEAR FARM CREDIT	PO BOX 2405 FAYETTEVILLE, NC 28302
002	000004 BANK OF AMERICA, N.A.	PO BOX 31785 TAMPA, FL 33631
003	000005 BANK OF AMERICA, N.A.	PO BOX 31785 TAMPA, FL 33631
015	000020 JOHN DEERE FINANCIAL	PO BOX 6600 JOHNSTON, IA 50131
009	000011 CNHINDUSTR	233 LAKE AV RACINE, WI 53403
800	000014 DITECH FINANCIAL LLC PO BOX 6154	fka GREEN TREE SERVICING LLC RAPID CITY, SD 57709-6154
802	000015 DITECH FINANCIAL LLC PO BOX 6154	fka GREEN TREE SERVICING LLC RAPID CITY, SD 57709-6154
018	000023 MONSATO SEED COMPANY	800 N. LINDBERGH BLVD ST. LOUIS, MO 63167
020	000024 VERIZON BY AMERICAN INFOSOURCE LP	4515 N SANTA FE AVE OKLAHOMA CITY, OK 73118

CERTIFICATE OF MAILING

0015

Case 17-01177-5-JNC Doc 25 Filed 10/23/17 Entered 10/23/17 09:33:19 Page 9 of 9

CASE: 1701177 TRUSTEE: 2V COURT: 278
TASK: 10-19-2017.01059841.LSA000 DATED: 10/20/2017

Page 2 of 2

013 000018 CROP PRODUCTION SERVICES, INC 3005 ROCKY MOUNTAIN AVE
LOVELAND, CO 80538

26 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 10/20/2017.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 10/20/2017 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail